IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 13125 of 2005

Between:

S.Naseebjan, S/o.Madarsab,
R/o.D.No.10/277, Kagithalapenta, Kadapa.

..... PETITIONER

AND

1 The Secretary, Regional Transport, Authority, Kadapa District.
2 The Asst. Motor Vehicle Inspector, flying Squad, Pileru, Chittoor

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order, direction more particularly one in the nature of writ of Mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP 16K-0365 vide vehicle check Report No. 3163531, dt.9-6-2005 as illegal arbitrary and unconstitutional and consequently direct the Respondents to release the vehicle bearing No.AP16K-0365.

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing the vehicle as well as in not releasing the said seized vehicle under Vehicle Check report No. 3163531, dated 09-06-2005.

2. It is stated that the petitioner's vehicle bearing Registration No.AP 16K-0365 was checked and seized under the vehicle check report for the alleged irregularities committed by the petitioner. It is stated that the petitioner made an application dated 17-06-2005 for releasing the said vehicle. As the respondents did not release the vehicle, the petitioner has come up with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. Pending enquiry contemplated under Section 207 of the Motor Vehicles Act, the respondents are directed to release the vehicle, within three days from the date of receipt of a copy of this order, on condition of depositing a sum of Rs.5,000/- and also the taxes, if any, payable up to date, and after giving an undertaking that the vehicle shall not be encumbered or alienated pending disposal of the enquiry before the respondents. The release of the vehicle as well as the amount deposited as directed by this Court, shall be subject to the outcome of the enquiry and the orders passed thereon.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

21st June, 2005

Note:

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Furnish C.C. within two days.

B/o.

SKM

Copy to

1 The Secretary, Regional Transport, Authority, Kadapa District.
2 The Asst. Motor Vehicle Inspector, flying Squad, Pileru, Chittoor

District.

3 Two C.Cs. to the G.P for Transport,

High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies

*Form-NIC-OGS/WP{**JA**}*